

CERTIFICATION UNDER 37 CFR 1.10

EL 747183478 US

December 17, 2004

Express Mail Mailing Number

Date of Deposit

I hereby certify that this paper or fee, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria VA, 22313-1450

CEDERIC RODGERS

Name of Person Mailing Application

Signature of Person Mailing Application

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

TDYNE-305

U.S. APPLICATION NO. (if known see 37 CFR 1.5)

Not known yet

10/518423

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/US2003/019150

17 JUNE 2003 (17.06.2003)

17 JUNE 2002 (17.06.2002)

TITLE OF INVENTION

DEVICES AND METHODS FOR MINIMALLY INVASIVE TREATMENT OF DEGENERATED SPINAL DISCS

APPLICANT(S) FOR DO/EO/US

Richard R. RICHLEY and Marvin P. LOEB

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) 35 U.S.C. 371(c)(4)) and Power of Attorney (executed).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 16 below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
- ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.

| | | | | | |
|--|--------------|---|--------------|--------------------------------------|----|
| US APPLICATION NO. (if known, see 37 CFR 1.5) Unknown 10/518423 | | INTERNATIONAL APPLICATION NO. PCT/US03/19150 | | ATTORNEYS DOCKET NUMBER TDYNE-305 | |
| 14. <input type="checkbox"/> A substitute specification and claims amended to conform the translated application to US practice 15. <input type="checkbox"/> A change of power of attorney and/or address letter. 16. <input checked="" type="checkbox"/> Other items or information: a) Designation of Patent Practitioners; b) Copy of the First Page of International Publication; c) Copy of International Search Report; | | | | | |
| 17. <input checked="" type="checkbox"/> The following fees are submitted: <input checked="" type="checkbox"/> a) BASIC NATIONAL FEE.....\$300.00 <input checked="" type="checkbox"/> b) EXAMINATION FEE.....\$200.00 <input checked="" type="checkbox"/> c) SEARCH FEE.....\$500.00 <div style="text-align: right;">TOTAL OF ABOVE CALCULATIONS = \$1000.00</div> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof. | | | | CALCULATIONS PTO USE ONLY | |
| ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | \$1,000.00 | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | \$0.00 | |
| Claims | Number Filed | Number Extra | Rate | | |
| Total Claims | 35-20 | 15 | x \$50.00 = | \$750.00 | |
| Independent Claims | 4-3 | 1 | x \$200.00 = | \$200.00 | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$360.00 = | \$0.00 | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$1,950.00 | |
| <input checked="" type="checkbox"/> Small Entity Status: Applicant claims small entity status. (See 37 CFR 1.27.) Reduction of 1/2 for filing by small entity (if applicable). | | | | \$975.00 | |
| SUBTOTAL = | | | | \$975.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | \$0.00 | |
| TOTAL NATIONAL FEE = | | | | \$975.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) \$40 per property | | | | \$0.00 | |
| TOTAL FEES ENCLOSED = | | | | \$975.00 | |
| | | | | Amount to be refunded | \$ |
| | | | | charged | \$ |

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|---|---|--------------------------------------|
| US APPLICATION NO. (if known, see 37 CFR 1.5) Unknown 10/518423 | INTERNATIONAL APPLICATION NO. PCT/US03/19150 | ATTORNEYS DOCKET NUMBER TDYNE-305 |
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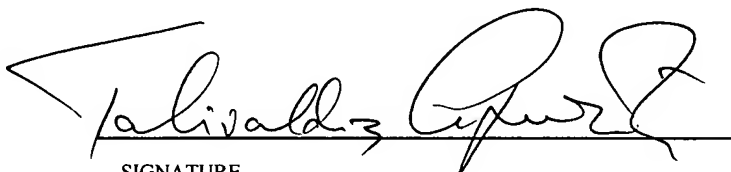
- a. ☒ A check in the amount of \$ 975.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional filing fees which may be required, or credit any overpayment to Deposit Account No. 15-0508. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO CUSTOMER NO. 002387

Attn: Talivaldis Cepuritis
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SIGNATURE

Talivaldis CEPURITIS

NAME

20,818

REGISTRATION NO.